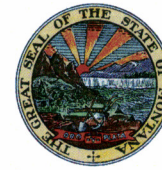


HB 236

Montana Board of Private Alternative Adolescent Residential & Outdoor Programs

House Judiciary Committee



Board Members

School Owner

Representing Large Programs

Dr. John Santa

Kalispell • 406- 858 -2339

School Owner

Representing Medium Programs

Ms. Penny James

Trout Creek • 406-827-9354

School Owner

Representing Small Programs

Vacant

Public Member

Darcie Kelly

Helena • 406-458-8775

Public Member

Tim Callahan

Great Falls • 406-454-6880

Mr. Chairman and members of the Committee, my name is Darcie Kelly (KELLY) and I serve as a public member on the Montana Board of Private Alternative Adolescent Residential or Outdoor Programs, PAARP. At its December 2012 meeting the board made the decision to unanimously support HB 236. I am here today on behalf of the board.

The PAARP Board is supporting HB236 as an important and necessary clarification of the original legislation that authorized the creation of the PAARP board. The purpose of the legislation was to establish rules and standards of care for private programs operating in Montana that previously fell outside the regulatory authority of the Department of Health and Human Services. At hearings for the creation of the PAARP board it became apparent that the State of Montana needed to establish a licensing authority that applied to programs who served private paying children and their families. Without such licensing authority any program that served private paying children was exempt from any regulation governing the standards of safety and care of such children. Since the PAARP board was established all private programs serving the emotional and behavioral needs of children are now subject to clear oversight and regulation with the specific exemptions outlined in section **37-48-102 as follows:**

Definitions. As used in this part, the following definitions apply:

- (6) (a) "Program" means a private alternative adolescent residential or outdoor program that provides a structured, private, alternative residential setting for youth who are experiencing emotional, behavioral, or learning problems and who have a history of failing in academic, social, moral, or emotional development at home or in less-structured traditional settings.
- (b) The term does not include:
 - (i) any program that is required to be licensed or regulated by the state under Title 50, 52, or 53;
 - (ii) recreational programs such as boy scouts, girl scouts, or 4-H clubs;
 - (iii) organizations, boarding schools, or residential schools with a sole focus on academics;
 - (iv) residential training or vocational programs with a sole focus on education and vocational training;
 - (v) youth camps with a focus on recreation and faith-related activities; or
 - (vi) an organization, boarding school, or residential school that is an adjunct ministry of a church incorporated in the state of Montana.

Board Office

Cyndi Breen Reichenbach, Executive Officer

Helena • 406-841-2392

The current PAARP board feels that all of these exceptions are reasonable except for exception number 6, any "residential school that is an adjunct ministry of a church incorporated in the state of Montana"

This definition is too broad, ill defined, and poses a clear danger to children placed in residential programs in the state of Montana. As it stands the exemption allows any private program to "affiliate" itself with a church and escape any requirement for following basic rules of safety and standards of care for children who have been placed outside of the oversight of their parents or guardians. Following the massive cases of abuse by officials of organized churches that have been made public the past decade it should be clear that simply being an affiliate or adjunct of an organized church is no guarantee that such programs will be operated according to basic safety standards. Moreover, there have been several recent articles and news program that have made allegations regarding these church affiliated and unlicensed programs in Montana. This written testimony includes links to some of those articles and news programs. It seems obvious that all programs serving emotionally or behaviorally troubled youth in the state of Montana should be duly licensed and fall under state supervision in order to protect a highly vulnerable population of children.

As a board we have been frustrated by complaints that have been registered against several programs that fell outside of regulation by either DPHHS or PAARP. We have also spent thousands of dollars in legal fees when existing and previously licensed programs wanted to avoid regulation and licensure by simply claiming to be an "adjunct ministry" of a church even though they had no previous affiliation with the church. Such chicanery and abuse of current statute intent should not be tolerated by the legislature and therefore the PAARP board strongly and respectfully urges the legislature to pass HB236.

LINKS TO ARTICLES AND NEWS PROGRAMS

■ Ungodly Discipline updated Fri August 3, 2012

Some parents, school administrators, and church leaders across the country believe it's necessary to physically discipline children in their care. CNN's Gary Tuchman spoke with those who do it because, they say, they're acting in the name of God. The...

<http://ac360.blogs.cnn.com/2012/08/03/tonight-on-ac360-ungodly-discipline-2/>

■ Ungodly Discipline: No state oversight at religious school updated Thur March 29, 2012

This week AC360° presents a three-part series investigating allegations of abuse at the Pinehaven Christian Children's Ranch. The founder, Preacher Bob Larsson, asks new students to sign a document stating they understand the religious nature of the...

<http://ac360.blogs.cnn.com/2012/03/28/ungodly-discipline-no-state-oversight-at-religious-school/>

■ Ungodly Discipline: Abuse accusations at a Christian school updated Wed March 28, 2012

Pinehaven Christian Children's Ranch in western Montana doesn't deny their use of "tough love" techniques on students. In the past, one house parent would apply pressure to the children's necks to control their behavior, a practice Pinehaven says is no...

<http://ac360.blogs.cnn.com/2012/03/27/ungodly-discipline-abuse-accusations-at-a-christian-school/>

■ Abuse accusations at a Christian school updated Wed March 28, 2012

AC360's Gary Tuchman investigates accusations of abuse at the Pinehaven Christian Children's Ranch in western Montana.

<http://www.cnn.com/video/#/video/us/2012/03/28/ac-pkg-tuchman-ungodly-discipline.cnn>

■ Pinehaven Christian Children's Ranch Student Abuse: Preacher, Bob Larsson, Says 'Satan' Caused Accusations

http://www.huffingtonpost.com/2012/03/29/pinehaven-christian-child_n_1388178.html

*The duty of the board goes beyond licensing and regulation.
We are obligated to protect youth & their families.*

Board Quick Facts

- The Board licenses and regulates private adolescent residential and outdoor programs based on average daily census.
- There are currently 14 licensed programs in Montana, 4 small programs, 7 medium programs and 3 large programs.
- The Board receive an average of 3 complaints each year
- The Board consists of 5 members all of which are appointed by the Governor and confirmed by the Senate. Board members represent small, medium and large programs and two members are chosen from the public.
- Board members serve three year terms.
- The Board meets a minimum of four times per year.

Board Contact Information

Cyndi Breen Reichenbach
Executive Officer
Department of Labor & Industry
301 S. Park
Helena, MT 59601
406/841-2392
cbreen@mt.gov
www.paarp.mt.gov

What is a State Private Alternative Adolescent Residential or Outdoor Program Board?

The purpose of the Montana Board of Private Alternative Adolescent Residential or Outdoor Programs is to license and regulate programs as a public service, to monitor and maintain a high standard of care, and to ensure the safety and well-being of the adolescents and parents using the programs. Necessary licensure processes and safety standards for programs are best developed and monitored by the professionals that are actively engaged in providing private alternative adolescent residential care.

The board also adopts rules establishing specific minimum criteria to ensure the health and safety of program participants and other rules necessary to implement the laws. Those criteria may incorporate by reference appropriate standards established by other governmental entities, including: building codes for those structures used as a residence for program participants; health and sanitation requirements; and other standards adopted by the Board by rule. The board shall evaluate each application for a license to determine whether the proposed plan of operation meets the specific minimum criteria set by rule; reasonably provides for the safety and well-being of program participants; and is consistent with the goals and objectives stated in the plan of operation

The ability to practice in one of the licensed occupations in Montana is not an inherent right of an individual or group, but a privilege granted by the people of a state acting through their elected representatives. The public is protected from the unprofessional, improper and incompetent practice through laws and regulations. It is the duty of the Montana Board of Private Alternative Adolescent Residential or Outdoor Programs to regulate the practice.

Private Alternative Adolescent Residential or Outdoor Program Board Structure

Board membership is composed of volunteers who are charged with upholding the statutes and rules. Five voting members are appointed by the Governor. Three board members are chosen according to their representation of small, medium and large programs and two members of the public.

The Board is attached for administrative purposes to the Department of Labor & Industry. Funding comes from licensing fees. Any fines imposed are deposited into license. There is licensing & legal staff & one executive officer assigned to the board.

Licensure

Assembling a quality health care workforce to meet the needs of the public begins with licensure. Through the licensure process, the state ensures that programs meet requirements and, that they abide by recognized standards of professional conduct.

Regulation

The Board is charged with the responsibility of evaluating when a licensee's professional conduct or ability to practice as a licensed program warrants modification, suspension or revocation of the license to practice. Board members meet at least four times a year, devoting time and attention, to oversee the practice by reviewing complaints from adolescents, family members, information from other health care institutions, and reports from government agencies. The board has the power to further investigate a complaint and can impose other form of discipline, or may seek to restrict, suspend or revoke a license.